

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

SFR SERVICES LLC,

Plaintiff,

v.

Case No: 2:21-cv-179-SPC-NPM

INDIAN HARBOR
INSURANCE COMPANY,

Defendant.

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ORDER¹

Before the Court is the parties' Joint Motion to Show Cause. ([Doc. 18](#)). Last week, the Court directed the parties to advise why they had disclosed no similar or related cases pending here or elsewhere. ([Doc. 17](#)). In doing so, the Court identified a similar case in which United States District Judge John L. Badalamenti denied a nearly identical motion to dismiss as Defendant brings here. ([Doc. 17 at 1-2](#)). The parties now "recognize that they should have advised the Court of Judge Badalamenti's prior decision on [the] substantially similar procedural motion to dismiss" and just inadvertently failed to do so. ([Doc. 18 at 2](#)). But the parties stop there. They offer no position on the

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applicability of Judge Badalamenti's decision to this case's identical motion. The Court thus requires more information.

Accordingly, it is now

ORDERED:

The parties are **DIRECTED** to file a supplemental legal memorandum, not exceed to **three** pages in length, that states the applicability of United States District Judge John L. Badalamenti's [decision](#) in [SFR Servs., LLC a/a/o Fairway Villas at Banyan Trace Condo. Assoc., Inc. v. Indian Harbor Ins. Co., No. 2:20-cv-583-JLB-NPM \(M.D. Fla. Mar. 29, 2021\)](#) to this case on or before **May 11, 2021**.

DONE and **ORDERED** in Fort Myers, Florida on May 4, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record